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OFFICE OF PETITIONS

In re Application of :
Blair et al. :
Application No. 10/627,845 :
Filed: April 30, 2004 :
Attorney Docket No. DKT01085C(0267.00047) :

Decision on Petition

This is a decision on the petition filed April 30, 2004, to accord the above-identified application a filing date of April 30, 2004.

The petition is **dismissed as moot**.

On April 20, 2004, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded and the filing date would be the date of receipt of the drawings.

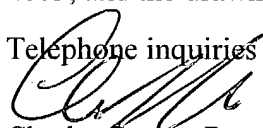
In response, the present petition supplies the drawings along with a paper entitled, "Petition Requesting Later Filing Date Under 37 CFR 1.18 in Re-Submission of Omitted Item." The petition requests that the date that the omitted items are being supplied be the filing date of the application.

The Notice did not require the submission of a petition in order to supply the drawings and to accept the date of such submission as the filing date. Therefore, the petition is unnecessary and dismissed as moot.

The declaration filed with the petition refers to the application as deposited on July 24, 2003, and does not refer to the missing drawings since the drawings were not included with the application papers deposited on July 24, 2003. Accordingly, a supplemental oath or declaration by the inventors must be supplied. The supplemental oath or declaration must identify the specification to which it is directed (preferably by reference to the above-identified Application Number, the original deposit date, and the filing date) and must also clearly refer to the missing drawings. The surcharge under 37 CFR 1.16(e) is also required. The supplemental oath or declaration is required before payment of the issue fee or any earlier time set by the examiner or the Office of Initial Patent Examination.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of April 30, 2004, using the application papers filed on July 24, 2003, and the drawings filed on April 30, 2004.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.


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